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Convention on the Rights of the Child

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Summary record (partial) of the 2292nd meeting**
Held at the Palais Wilson, Geneva, on Friday, 18 May 2018, at 3 p.m.

Chair: Ms. Winter

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* Reissued for technical reasons on 28 May 2018.
** No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Montenegro (*continued*)
(CRC/C/MNE/2-3; CRC/C/MNE/Q/2-3 and CRC/C/MNE/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Kuševija** (Montenegro) said that all professionals working in the field of child protection were obliged to pass an examination covering topics related to the rights of the child and child protection legislation as part of their training. They must also attend a certain number of training courses and pursue their professional development in order to be eligible to renew their professional licences every five years. Continuous efforts were being made to provide professionals in the field with greater support to help them specialize and advance professionally. Concerning the participation of children with disabilities in the Council for the Care of Persons with Disabilities, the membership included two representatives from associations of parents of children with disabilities, who were vocal about the concerns and issues affecting their children. In accordance with regulations on the participation of non-governmental organizations (NGOs) in the work of governmental bodies, the former fully participated in government working groups to develop policies related to children. Under the new strategy for persons with disabilities, there were plans to establish a centralized comprehensive register or database of persons with disabilities, including children, to support policymaking in that area. Currently each individual authority kept its own records.

3. **Ms. Cimbaljević** (Montenegro) said that, under the Law on Social and Child Protection, there was a rule book setting out detailed conditions for foster care, including the programme of training for prospective foster parents, the criteria for obtaining a two-year foster care licence and the fees payable to foster carers for their work and the accommodation they provided. All providers of foster care services were assessed and had to undergo training of at least 30 hours within the first year; the centres for social work had the obligation to visit each foster family at least once within 50 days of the child's placement. Expert support was provided to both the beneficiaries and providers of foster care services. Foster care was financed from the central budget, and there had never been a situation where services had had to be interrupted because the funding had not been provided. Under the Law on Social and Child Protection, pregnant women, particularly single mothers, were afforded particular protection and had access to various benefits, including family accommodation services.

4. **Ms. Khazova** (Country Task Force) said that she would welcome clarification of the system of community placements for children, including how it was funded and regulated.

5. **Ms. Cimbaljević** (Montenegro) said that there was a small community accommodation service for children with disabilities and developmental difficulties; there was one small group home in Bijelo Polje with six beneficiaries, financed from the central budget. The law also provided for other support services for children to live in the community.

6. **Ms. Sovilj** (Montenegro) said that the centres for social work had competence over the entire adoption procedure. Applications from prospective adoptive parents were assessed by expert multi-disciplinary professional teams and were required to undergo training on the rights of the child, including the child's right to know the truth about his or her origins and adoption. The centre also determined whether a child was eligible for adoption, namely if he or she had been permanently deprived of parental care by court order or if the parents had given their consent to the adoption. Once the assessment was complete, the documentation was submitted to the Ministry of Labour and Social Welfare, which kept the central register of eligible parents and children. When a potential match was found, the relevant centre for social work was informed, and the pre-screened applicants were assessed again to determine whether they were suitable to adopt that specific child. The best interests of the child prevailed at all stages of the procedure. Once the child and the prospective parents had met in person, the centre attached great importance to the

opinion of the child, in line with his or her age and maturity, when taking its decision. Once the adoption was complete, the relationship between the child and the adoptive parents was treated in the same way as that of any biological family, and the centre did not monitor the situation unless there was a report of violence or the adoptive parents so requested. All the documentation related to the adoption was kept permanently by the centre, and the child was entitled to request to see his or her file from the age of 15.

7. **Ms. Khazova** said she wished to know whether the courts were ever involved in adoption decisions.

8. **Ms. Sovilj** (Montenegro) said that the courts intervened only if the biological parents had to be deprived of their parental rights and had not given their consent for the child to be adopted, for example if the child was at risk because of serious neglect or domestic violence.

9. **Mr. Madi** (Country Task Force) said that he would be interested to know whether there were any cases of international adoption in Montenegro and, if so, how they were regulated by law.

10. **Ms. Sovilj** (Montenegro) said that international adoption had been regulated in accordance with the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, to which Montenegro was a party. International adoptions took place if there was no interest among Montenegrin citizens in adopting a particular child, usually in the case of older children or children with serious disabilities, and must be approved by an expert commission in the Ministry of Labour and Social Welfare. In accordance with the Law on Social and Child Protection, every effort was made to provide support to the biological family in order to avoid the child being removed from the home. If it was not possible for the child to remain in the family home, he or she was placed in kinship or non-kinship foster care, or an institution if all alternative measures had been exhausted. A family support service had been successfully piloted for four years by the centres for social work in cooperation with an NGO, preventing the removal of hundreds of children from their families, and would be rolled out nationwide.

11. **Ms. Milić** (Montenegro) said that the Constitution provided for nine years of compulsory education, from the age of 6 to 15, free of charge. In cooperation with local communities and municipalities, free textbooks were provided to all children enrolled in first grade of elementary school. The quality of education was evaluated on the basis of the results of Programme for International Student Assessment (PISA) testing. Efforts were being made to improve teacher training and the professional advancement of teachers. Educational programmes had been reviewed with a focus on skills for the twenty-first century, resulting in the introduction of training on socioemotional skills in 20 elementary and secondary schools. New legislation had been introduced to regulate class sizes, which it had been recognized were very large, especially in cities and towns.

12. Special emphasis was placed on preschool education, with the objective of improving coverage, quality and financing. New preschool facilities were being built, and interactive outreach services had been established in 12 municipalities to serve rural and remote communities. The cost of preschool education across the country reflected the socioeconomic disparities between regions: in the north, the cost was 15 euros per month while on the coast it was 40 euros. Roma children, children with special educational needs and children from families in receipt of family allowance received free preschool education, while children from single-parent families paid half the cost. A programme to promote safe school environments free from violence had been piloted in several schools and subsequently made compulsory for all schools. Protocols had been developed for dealing with cases of violence against children with disabilities in school.

13. The integration into mainstream education of children with disabilities and learning difficulties was a priority. Efforts to that end included additional academic support and guidance, and assistance in accessing further education. A dedicated team of specialists had been established to help create an enabling environment for children with autism in mainstream schools. Moreover, efforts had been made to ensure the early integration of children with intellectual disabilities, including by training teachers to recognize developmental challenges in children and providing parents with information.

14. Sex education was provided through biology lessons and teaching on healthy lifestyles and covered such questions as identity and reproductive health. Specific resource materials had been developed in that regard. Children were also educated on the dangers of smoking and alcohol. The Government had cooperated with the United Nations Office on Drugs and Crime to inform parents and teachers about substance abuse and develop relevant educational resources for adolescents.

15. An education information system was in place that enabled schools to monitor attendance and assist children who had left or were at risk of leaving the education system. Specifically, efforts had been made to identify Roma children not attending school and facilitate their return to mainstream education, including through student volunteering schemes and individual tutoring.

16. **Ms. Radošević Marović** (Montenegro) said that, in order to improve the visibility and social inclusion of children with intellectual disabilities, the Ministry for Human and Minority Rights had published the Convention on the Rights of Persons with Disabilities in an easy-to-read format. The publication had been promoted in the media and distributed to various institutions, including NGOs and associations for the parents of children with intellectual disabilities. A document in an accessible format was also being prepared on the rights to social life and education of persons with disabilities.

17. The Law on Prohibition of Discrimination against Persons with Disabilities was designed to achieve the greatest possible degree of integration of persons with disabilities. It ensured that children with disabilities were able to choose freely between educational programmes, enrol in any educational institution and participate in sports and extracurricular activities. Anti-discrimination legislation had recently been amended to align it with the relevant European Union directives; it explicitly prohibited all forms of discrimination against children.

18. **Mr. Kuševija** (Montenegro) said that day-care centres were not a form of institutionalization. Children with disabilities could spend several hours per day in the centres, enabling parents to go to work or run errands, and were separate from mainstream schools and health-care establishments.

19. **Ms. Mašanović** (Montenegro) said that the participation of children in court proceedings and the right of children to express their opinions were regulated by the Family Law, under which courts were obligated to seek the opinions of children in matters concerning family relations. Children were not required to express their opinions, but could do so irrespective of their role in the proceedings. Children were provided with support persons to help them to understand proceedings and protect their best interests, although those aged over 14 had to give their consent to receive such assistance. Moreover, 33 lawyers had undergone specific training on the rights of children in court proceedings.

20. Minors serving prison sentences were held in separate wings of adult prisons. A new building was due to be opened later in the year that would, among other things, serve as a juvenile prison.

21. **Ms. Khazova** said that she wished to know whether support persons were appointed only if a child was involved in civil proceedings or also in cases of family conflict in which proceedings had not been instituted. Was it correct that an attorney could also be appointed to represent a child?

22. **Ms. Mašanović** (Montenegro) said that attorneys could represent children involved in family law cases in addition to support persons. Support persons provided children with information about court proceedings and their possible outcomes and could speak to the court on a child's behalf.

23. **The Chair** said that she would appreciate confirmation that a support person did not have the legal status of a party to the procedure and that it was possible for a judge to interview support persons instead of the children they represented.

24. **Ms. Mašanović** (Montenegro) said that the Chair's understanding was correct. There were currently eight juveniles in prison, of whom a number worked between 7 a.m. and 2 p.m. and were remunerated in line with prison rules. The activities available to

juvenile prisoners included individual or group therapy sessions, training to improve social skills and workshops on relaxation, anger management, and drug and alcohol abuse. They were entitled to free time in which they could use a gym or outdoor area, or participate in leisure activities such as cooking and creative writing. Juvenile prisoners could receive rewards for good behaviour, such as visits to cultural establishments or their own homes.

25. **Mr. Madi** said that he wished to know whether prison work was optional for juveniles; whether juvenile prisoners were provided with any education; and whether the rewards for good behaviour included reductions in sentences. What was the longest prison sentence currently being served by a juvenile?

26. **Ms. Khazova** said that she wished to know whether children were able to choose their support person or to request an alternative support person if they did not like or trust the person appointed. Could children appoint a friend or family member, or were they required to choose someone on the list of approved support persons?

27. **Ms. Mašanović** (Montenegro) said that support persons were licensed and were required to undergo training and receive certification of their status. Work carried out in juvenile prison was optional. Of the eight juveniles in prison, three worked in cleaning, two worked in a carpentry workshop, two worked in a locksmith's workshop and one had chosen not to work. Information on whether a child could request an alternative support person and on the length of sentences being served by juvenile prisoners would be provided at a later date.

28. **Ms. Vujović** (Montenegro) said that, since 2015, some 33 criminal cases involving juveniles cohabiting with adults had been recorded, the majority of which had occurred in the north of the country. As a preventive measure, guidelines on how to identify potential victims had been developed for all relevant institutions in accordance with international standards. Furthermore, a special unit had been established to combat family violence and violence against women, which would help to prevent early marriages.

29. **Ms. Šuković** (Montenegro) said that the Office for Combating Trafficking in Human Beings and the Police Directorate had taken steps to reduce begging, including by identifying beggars and providing them with support in cooperation with other institutions. Child beggars were treated as victims, and those responsible for their situation faced criminal charges. In 2017, five child beggars had been identified and 13 misdemeanour proceedings had been initiated. In cooperation with the Red Cross of Montenegro and the United Nations Children's Fund (UNICEF), the Government had begun work on a research project to identify the root causes of begging with a view to developing plans to combat the problem. In addition, an NGO that would provide a shelter and services for child beggars in a local community was undergoing accreditation. The Government would subsequently evaluate that model and, on the basis of that evaluation, decide on further steps in that regard.

30. The recommendations made by the Committee under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MNE/CO/1) had been considered at the highest level, including by the working group on the implementation of the Strategy for Combating Trafficking in Human Beings. A national document had been produced in 2012 incorporating those recommendations, and, with the support of UNICEF, the Government had worked to amend national legislation accordingly.

31. **Mr. Nelson** (Country Task Force), referring to the statistical data provided by the delegation on child marriage, asked how many prosecutions had been brought in total, which offence they related to and whether they had been brought against adults or minors.

32. **Mr. Madi** said that, while the State party's efforts to combat trafficking in children were commendable, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography covered more than just the crime of trafficking. The delegation might describe the steps taken to give effect to the recommendations relating to the other crimes covered by the Optional Protocol contained in the Committee's concluding observations.

33. **Mr. Gastaud** (Coordinator, Country Task Force), noting that Montenegro was fast becoming a popular tourist destination, asked what measures the State party had taken or envisaged taking to prevent the rise of sex tourism, particularly in coastal resorts.

34. **Ms. Vujović** (Montenegro) said that minors could not be prosecuted for offences committed under article 216 of the Criminal Code. In the case of a child marriage where one party was a minor and the other an adult, only the adult was liable to prosecution. If both parties were minors, it was their parents who would be held criminally liable.

35. **Mr. Madi** asked whether a 16-year-old who entered into a marriage with an 18-year-old was still considered a minor in the eyes of the law and whether, in that scenario, the 18-year-old was still liable to prosecution. It would be helpful if the delegation could confirm the minimum legal age for marriage in Montenegro.

36. **Ms. Vujović** (Montenegro) said that anyone under 18 years of age was considered to be a minor. Any person aged 18 years or over who entered into an extramarital union with a minor was liable to prosecution.

37. **Mr. Madi** said that he failed to understand why an 18-year-old who entered into a marriage with a 16-year-old could face prosecution when the minimum legal age for marriage appeared to be 16 years with the permission of a judge. He would be grateful if the delegation could shed light on what appeared to be a contradiction in terms.

38. **Ms. Vujović** (Montenegro) said that the statistical data provided related to cases in which minors had not requested the permission of a judge to wed before doing so.

39. **The Chair** said that she would appreciate examples of cases in which a 16-year-old had entered into a marriage without having obtained the permission of a judge. She asked whether it was possible, legally speaking, for a marriage to take place in those circumstances.

40. **Ms. Vujović** (Montenegro) said that a 16-year-old could not lawfully marry without the permission of a judge. It was for that reason that an 18-year-old who entered into an extramarital relation with a 16-year-old was committing a criminal offence.

41. **Ms. Aho Assouma**, noting that the registration of children born outside of health facilities was normally contingent upon the submission of certain documents, asked which documents were required and whether a birth could still be registered if the necessary documentation could not be provided. The delegation might also explain why so many young children were placed in reception centres.

42. **Ms. Baković** (Montenegro) said that, if the birth of a child was not registered within 30 days, a special administrative procedure could be initiated to establish the time and place of birth. If those details could not be established, the case could be brought before a court, which could issue a decision authorizing the registration of the birth.

43. In Montenegro, undocumented internally displaced persons and their children were registered, issued with a special form of identification and were granted all applicable rights. The situation of undocumented persons living in Montenegro had been largely resolved following the entry into force of the Law on Foreigners, which entitled those persons to claim certain rights and to approach the competent Montenegrin authorities with a view to regularizing their status in the country. The Montenegrin authorities, along with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Organization for Security and Cooperation in Europe (OSCE), had visited the camps housing internally displaced persons from Kosovo. Upon learning of the undocumented status of those persons, the Montenegrin authorities had concluded an agreement with their Kosovan counterparts under which mobile teams had been set up and had travelled from Kosovo to interview and assist undocumented persons in obtaining Kosovan identity documents. The Montenegrin authorities were continuing to work with their Kosovan counterparts to resolve the most complex cases.

44. The Montenegrin authorities were also working with UNHCR to regularize the status of 250 children whose parents were undocumented internally displaced persons from Kosovo. On the basis of interviews conducted with those children and their parents in the camps, the mobile teams had determined that there were some 200 children born in

Montenegro to Kosovan parents who were permanent residents of the country but whose birth had never been registered in Kosovo. Under the agreement on birth registration concluded between the Montenegrin authorities and their Kosovan counterparts, children in that situation who met the requirements could have their birth registered in Kosovo and thereafter obtain proof of Kosovan citizenship, allowing them to regularize their status in Montenegro. To date, some 130 requests for birth registration had been received.

45. The Law on Montenegrin Citizenship, which was in line with the European Convention on Nationality and with the United Nations statelessness conventions, effectively precluded the possibility of persons born in Montenegro remaining stateless. However, while the Law did indeed provide that a child born or found on the territory of Montenegro could acquire Montenegrin citizenship if his or her parents or their citizenship were unknown or if they were stateless or if the child would otherwise remain stateless, those circumstances constituted an exception to the general rule. In all other cases, a child did not automatically acquire Montenegrin citizenship unless one of his or her parents was already a Montenegrin citizen.

46. **Ms. Klikovac** (Montenegro) said that all children, including children with disabilities, were exempt from paying for social care, the cost of which was covered by the national health insurance fund. The code on the marketing of substitute milk for health institutions and health workers had been adopted on the basis of recommendations made by the World Health Organization. The code was available on the website of the Ministry of Health and on those of all Montenegrin health institutions. The code required health workers employed by secondary and tertiary health institutions with birth clinics to remain in close proximity to new mothers immediately after childbirth and to instruct them on how to breastfeed. However, although every effort was made to promote breastfeeding among new mothers, they could not be compelled to do so.

47. A series of campaigns to raise parents' awareness of the need to vaccinate their children against measles, mumps and rubella had yielded positive results, raising the level of immunization coverage to almost 90 per cent. Although a health warning had been issued, the measles epidemic had not reached Montenegro and the cases detected had been dealt with.

The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.

48. **Mr. Madi** said it was his understanding that all children born in Montenegro, including migrant, refugee and internally displaced children, were registered at birth. He would therefore be grateful if the delegation could shed further light on the situation of the 200 Kosovan children born in Montenegro whose parents were permanent residents of the country but whose birth had never been registered on account of it first having to be registered in Kosovo. In particular, the delegation might explain how the birth of those children could be registered in Kosovo in the absence of a birth certificate issued by the Montenegrin authorities.

49. **Mr. Nelson** asked whether any initiatives had been launched to promote breastfeeding among new mothers.

50. **Ms. Ayoubi Idrissi** asked whether the State party had disseminated and made use of the Committee's general comment No. 21 (2017) on children in street situations (CRC/C/GC/21), joint general comment No. 4 (2017) of the Committee on Migrant Workers and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (CMW/C/GC/4-CRC/C/GC/23) and joint general comment No. 3 (2017) of the Committee on Migrant Workers and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration (CMW/C/GC/3-CRC/C/GC/22).

51. **Ms. Baković** (Montenegro) said that, although the 200 Kosovan children in question had been born in Montenegro and their births had been registered in the country, they still needed Kosovan identity documents, which could be obtained only after their birth had been registered by the Kosovan authorities, to regularize their status in Montenegro. All

children born in Montenegro were registered at birth and no requests had been received to register the birth of a child through the special administrative procedure. Furthermore, efforts to raise public awareness of birth registration procedures were ongoing.

52. **Ms. Mašanović** (Montenegro) said that one of juveniles being held in a detention facility was serving a five-year prison sentence, which was the maximum sentence that could be imposed. In early 2018, the Law on the Treatment of Juveniles in Criminal Proceedings had been amended to introduce the option of parole for juvenile offenders. Any decision on parole should be handed down by the same court that had imposed the original prison sentence and communicated to the institution responsible for the enforcement of criminal penalties. Courts were obliged to hear a child's opinion in all legal proceedings, either directly from the child or through his or her advocate. Child advocates were appointed and, if they underperformed, could be dismissed and replaced by the courts.

53. **Ms. Klikovac** (Montenegro) said that gynaecologists, neonatologists and paediatricians promoted breastfeeding among new mothers in hospital wards by distributing information materials and holding workshops. Information campaigns were also conducted through the media and printed press, often with the support of NGOs. Promotional events had also been held by civil society and breastfeeding mothers themselves.

54. **Ms. Milić** (Montenegro) said that special schools no longer existed. The country's three resource centres provided education to some 135 children at the primary and secondary school levels. There were 5,000 children with special educational needs in the school system. Teachers received special training, including methodological instructions for teaching children with dyslexia and other learning difficulties. Special teaching materials had been developed, such as audio textbooks for children with visual impairments. The Government was in the process of formulating a new strategy aimed at fully integrating children with disabilities into inclusive education, which took into account recommendations made by the Committee on the Rights of Persons with Disabilities. The draft strategy was currently under review by a consultant from UNICEF.

55. **Mr. Bošković** (Montenegro) said that the Government had received no reports on the involvement of any children in armed conflict or terrorist activity. Nonetheless, a response plan was in place should any such children be identified. Soldiers serving in peace missions received training on human rights law. His country had participated in a number of missions since 2007 and no rights violations had been reported.

56. **Ms. Šuković** (Montenegro) said that 200 representatives of businesses in the tourism industry had signed up to a code of conduct that required them to cooperate with the authorities to protect children from sexual exploitation. The National Office for Combating Trafficking in Human Beings provided training to raise awareness of the general principles of the code of conduct and distributed a directory of the institutions to which cases of sexual exploitation should be reported.

57. **Ms. Baković** (Montenegro) said that a law, which complied with relevant international standards, had recently been enacted to protect migrants and asylum seekers. The Government had thus far received and granted three applications for international protection from unaccompanied children. In such cases, children were referred to the centre for social work, which appointed a carer and placed the children in an institution where they received full protection. Those children were accommodated separately from children in conflict with the law.

58. **Mr. Gastaud** said that he wished to know whether procedures existed to protect children arriving in Montenegro who might have been involved in conflicts abroad. He asked whether the authorities were able to identify them and, if so, what action was taken after identification.

59. **Mr. Madi** said that information on the nationality of the three unaccompanied children and whether they were free to leave the centre would be welcome.

60. **Ms. Sandberg** enquired whether the State party was aware of the global study on children deprived of liberty and, if so, whether a focal point had been designated to respond to the questionnaire.

61. **Mr. Bošković** (Montenegro) said that plans were indeed in place to protect children who might have been involved in armed conflict abroad; however, no such cases had been reported. The identification of such children fell within the remit of the Ministry of the Interior.

62. **Ms. Baković** (Montenegro) said that unaccompanied child migrants were not confined to their accommodation centres. They were interviewed by trained specialists and, once the Directorate for Asylum had approved their applications for international protection, the Ministry of Labour and Social Welfare provided accommodation, food and a living allowance for at least 2 years. Those children were entitled to the same rights as Montenegrin citizens. She did not have information as to the nationality of the three unaccompanied children.

63. **Ms. Vujović** (Montenegro) said that the Government was indeed aware of the global study on children deprived of liberty; the questionnaire had been forwarded to the competent authorities.

64. **Ms. Aho Assouma** said that many children from Roma communities did not attend school in spite of the Government's strategy. It would be helpful to hear whether children were given lessons in their mother tongue and whether they received Montenegrin language classes before attending primary school. It would also be interesting to know why so many children were placed in institutions.

65. **Ms. Milić** (Montenegro) said that Roma and Egyptian communities from Kosovo mainly spoke Albanian as a mother tongue. Although many children from those communities also spoke Montenegrin, the Government had designed activities to strengthen knowledge of Montenegrin from the preschool level. Primary education was available in both Albanian and Montenegrin. More recently, initiatives had been set up to enhance knowledge of the Romani language among children in those communities, which included optional classes. Furthermore, student teachers were encouraged to volunteer to give classes in Montenegrin to children from Roma communities.

66. **Mr. Kuševija** (Montenegro) said that, in 2017, the Government had achieved its goal of having no children under the age of 3 in institutional care. The goal had now been extended to remove children under the age of 5 from institutions.

67. **Mr. Madi**, thanking the delegation for the open and constructive dialogue, said that a great deal of progress had been made since the last dialogue in 2010. He hoped that the comprehensive law on the rights of the child and the law on non-governmental organizations would be adopted in the near future.

68. **Mr. Kuševija** (Montenegro) said that the Government remained committed to removing children from institutional care and placing them with foster families. His delegation would be pleased to provide any further information that the Committee might require and looked forward to receiving its concluding observations.

The discussion covered in the summary record ended at 5.40 p.m.